

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, February 1, 2011, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman Valerie Joh
Vice-Mayor Benjamin K. Mallicote
Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey
Alderman Tom C. Parham

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Hunter Dayton
- II.B. **INVOCATION:** By Ed Clevinger, Pastor – Grace Covenant Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Jantry Shupe.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 1. **ASSISTANT CHIEF SCOTT BOYD – COMPLETION OF 4-YEAR EXECUTIVE FIRE OFFICER COURSE AT THE NATIONAL FIRE ACADEMY – Commissioner Mark Bowery.** Commissioner Bowery noted that only three other Kingsport firefighters had ever achieved this honor as this was a very challenging program. He then read a proclamation that was issued from State Representative Tony Shipley on behalf of the State of Tennessee.
 2. **GOLD AWARD FOR MUNICIPAL EXCELLENCE – Commissioner Joe Herron.** Commissioner Herron presented this award to Mayor Phillips on behalf of State Representative Tony Shipley recognizing the City of Kingsport in the Higher Education Initiative noting it was one of the best programs in the country.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Marsh/Munsey, to approve minutes for the following meetings:

- A. January 10, 2011 Regular Work Session (as amended)
- B. January 11, 2011 Regular Business Meeting

Approved as amended: All present voting "aye."

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VI. COMMUNITY INTEREST ITEMS.

AA. PUBLIC HEARINGS.

1. Public Hearing and Consideration of a Resolution Confirming the Assessments of Cost for Street Lighting in the Linville Street Lighting Improvement District No. 1 (AF: 34-2011). Assistant Public Works Director Michael Thompson gave a brief overview on the status of this project, noting this public hearing was the last phase in the process.

PUBLIC COMMENT ON ITEM VI.AA.1. Abigail Jantzi, 1402 Linville Street, pointed out to the Board that she had sent a letter to object to this cost, noting she was completely blindsided by this expense as they had just recently moved into the neighborhood. She asked if there were provisions for new homeowners such as an adjustment to the cost. Mayor Phillips suggested contacting the previous homeowner for reimbursement.

Mayor Phillips then asked City Attorney Billingsley to describe the process regarding improvement districts in the city. Alderman Munsey also requested for him to clarify the law in regards to this issue. Mr. Billingsley noted the only real matter pertaining to this public hearing was whether the assessments were properly levied. There was some discussion regarding payment methods and the responsibilities of the homeowners. Mr. Billingsley suggested mailing a copy of the resolution to all of the addresses. Alderman Munsey stated that based on the letters of protest received by the Board, the City could enhance this process.

Mike Locke, 1401 Linville Street, asked for verification on the interest fee, stating he understood the original agreement was that payments could be made over a five year period interest free. Assistant Public Works Director Michael Thompson pointed out the payment estimate on original petition was based on principal only, but held the disclaimer that the Kingsport Board of Mayor and Alderman has the right to charge interest if installments are set up.

Debbie Waggoner, 1522 Linville Street, spoke next to let the Board members know there were several of the residents who were pleased with the lighting and would be paying off their balance in full to avoid the interest fee. She mentioned that other residents of the neighborhood would like to see the new lighting continued. She further stated she would do whatever was necessary to inform new residents of this project. She did question the length of time that was taken to mail out the bills, noting the lights were installed a year and a half ago. Mayor Phillips responded that was inexcusable and that he would look into that. Alderman Munsey stated in light of the delay that all interest should be waived. Alderman Joh disagreed, noting that would only generate other contested fees on other projects, as time was subjective in opinion.

Joe Herron, 1541 Bright Oaks Drive, stated he was in favor of adding the lights in Fair Acres and he was also willing to pay for them.

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Motion/Second: Joh/Parham, to pass:

Resolution No. 2011-155, A RESOLUTION ESTABLISHING AND CONFIRMING THE ASSESSMENT OF COSTS ON ABUTTING PROPERTY FOR STREET LIGHT IMPROVEMENT IN THE LINVILLE STREET LIGHTING IMPROVEMENT DISTRICT NO. 1; AUTHORIZING INSTALLMENT PAYMENTS ON THE SAME; AUTHORIZING ENFORCEMENT OF THE ASSESSMENTS; AUTHORIZING EXECUTION OF ANY DOCUMENTS NECESSARY TO SECURE LIENS FOR SAID COSTS AND ACTS TO EFFECTUATE THE PROVISIONS HEREOF; AND FIXING THE EFFECTIVE DATE OF THIS RESOLUTION

Passed: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of a Budget Ordinance Amending the FY11 MPO Budget by Appropriating Additional Funds Received from the Federal Highway Administration and the Tennessee Department of Transportation (TDOT) (AF: 31-2011). City Manager Campbell noted these were action funds that the federal government has reinstated.

Motion/Second: Parham/Joh, to pass:

AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY APPROPRIATING ADDITIONAL GRANT FUNDS RECEIVED FROM THE FEDERAL HIGHWAY ADMINISTRATION AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of a Resolution Awarding the Bid for the Construction of the New Beason Well Fire Station to Armstrong Construction and Authorizing the Mayor to Sign All Applicable Documents and Consideration of an Ordinance to Appropriate the Funds to Complete the Project (AF: 27-2011). Alderman Marsh commented it was nice to see a local firm get this contract. Mayor Phillips stated he has heard nothing but good comments regarding this company.

Motion/Second: Parham/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS TO THE E. STONE DRIVE FIRE STATION PROJECT FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

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Motion/Second: Joh/Parham, to pass:

Resolution No. 2011-156, A RESOLUTION AWARDDING THE BID FOR CONSTRUCTION OF THE NEW BEASON WELL FIRE STATION TO ARMSTRONG CONSTRUCTION AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. NONE.

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper for the Purchase of Property Located at 1020 Gibson Mill Road (AF: 20-2011). City Manager Campbell noted this was a key piece of property before the bridge for the Gibson Mill Phase IV project. Alderman Marsh questioned the status of the other property needed on Gibson Mill Road. Public Works Director Ryan McReynolds stated the legal department was currently working on acquiring the right of ways; however the owner of this property actually came forward wanting to sell.

Motion/Second: Joh/Parham, to pass:

Resolution No. 2011-157, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY LOCATED AT 1020 GIBSON MILL ROAD

Passed: All present voting "aye."

2. Consideration of a Resolution Ratifying the Mayor's Signature and Executing All Documents Necessary and Proper to Apply for and Receive an Arts Project Support Grant from the Tennessee Arts Commission (AF: 21-2011). City Manager Campbell stated this grant has been used every year for the sculpture walk and has been very successful.

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2011-158, A RESOLUTION TO RATIFY THE MAYOR'S SIGNATURE ON ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN ARTS PROJECT SUPPORT GRANT FROM THE TENNESSEE ARTS COMMISSION

Passed: All present voting "aye."

3. Consideration of a Resolution Approving a Change Order to L & H Company for Exterior Signage Fabrication (Wayfinding Sign Program Phase I) and Authorizing the City Manager to Sign All Applicable Documents (AF: 07-2011). City Manager Campbell pointed out that this would finish up the payment on this project.

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Motion/Second: Parham/Joh, to pass:

Resolution No. 2011-159, A RESOLUTION APPROVING CHANGE ORDER 2 TO THE CONTRACT WITH L & H SIGN COMPANY FOR PHASE ONE OF THE WAYFINDING SIGN PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE CHANGE ORDER AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

4. Consideration of a Resolution Awarding the Bids for the Purchase of Eight (8) Black and White Police Package Sedans and Two (2) Unmarked Police Package Sedans to Fairway Ford (AF: 16-2011).

Motion/Second: Mallicote/Joh, to pass:

Resolution No. 2011-160, A RESOLUTION AWARDING THE BID FOR PURCHASE OF EIGHT "BLACK AND WHITE" POLICE PACKAGE SEDANS AND TWO UNMARKED POLICE PACKAGE SEDANS TO FAIRWAY FORD AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Enter into a Lease Agreement with Congressman Phil Roe for Office Space at the Kingsport Center for Higher Education (AF: 22-2011). City Manager Campbell stated the lease needed to be renewed after an election.

Motion/Second: Marsh/Parham, to pass:

Resolution No. 2011-161, A RESOLUTION APPROVING A LEASE AGREEMENT WITH CONGRESSMAN PHIL ROE FOR OFFICE SPACE AT THE HIGHER EDUCATION CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL APPLICABLE DOCUMENTS TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

6. Consideration of a Resolution Authorizing the Execution of an Agreement with Frontier Health for Counseling Services for Kingsport Elementary Schools and Authorizing the Mayor to Sign All Applicable Documents (AF: 29-2011).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2011-162, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH FRONTIER HEALTH FOR COUNSELING SERVICES FOR KINGSFORT ELEMENTARY SCHOOLS AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

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7. Consideration of a Resolution Authorizing the Rejection of All Bids Received for a Press Box to be Constructed at the Dobyns-Bennett High School Softball Field (AF: 30-2011). City Manager Campbell stated that all of the bids received were over the estimated cost to complete this project.

Motion/Second: Marsh/Joh, to pass:

Resolution No. 2011-163, A RESOLUTION REJECTING ALL BIDS RELATED TO CONSTRUCTION OF A PRESS BOX AT DOBYNS-BENNETT HIGH SCHOOL SOFTBALL FIELD

Passed: All present voting "aye."

8. Consideration of a Resolution Authorizing the Mayor to Sign All Applicable Documents Necessary and Proper to Execute a Warranty Agreement with Versico Roofing Systems for the Installation of Solar Panels on V.O. Dobbins Complex for Use by the Kingsport Housing Authority (AF: 26-2011). City Attorney Billingsley stated he has worked with Housing Authority Attorney Joel Conkin and noted the contractor has provided an agreement to indemnify the City should the warranty fail, and also requires the contractor to pay for the removal, if necessary, for any inspections.

Motion/Second: Parham/Joh, to pass:

Resolution No. 2011-164, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EXECUTE A WARRANTY AGREEMENT WITH VERSICO ROOFING SYSTEMS FOR ROOF TO PERMIT THE INSTALLATION OF SOLAR PANELS ON V. O. DOBBINS COMPLEX FOR USE BY THE KINGSPORT HOUSING AUTHORITY

Passed: All present voting "aye."

9. Consideration of a Resolution Approving Land Use Restrictions on the Property Owned by the City Commonly Called the Model City Motors Property and the Tri-City Linen Property and Authorizing the Mayor to Execute Such Restrictions (AF: 33-2011). City Manager Campbell noted originally there was some concern regarding contamination; however the Tennessee Department of Environment and Conservation will release the property from future monitoring if these deed restrictions were put in place. He also verified for Alderman Marsh that the City is responsible for cleaning the sidewalk in front of this property. Alderman Marsh also asked about an adjacent business and Mr. Campbell clarified that the City is not leasing any of this property, but a small portion is actually owned by another party.

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2011-165, A RESOLUTION APPROVING LAND USE RESTRICTIONS ON THE PROPERTY OWNED BY THE CITY COMMONLY CALLED THE MODEL CITY MOTORS PROPERTY AND THE TRI CITY LINEN PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE SUCH RESTRICTIONS

Passed: All present voting "aye."

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10. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to Leonard and Cynthia Gerber for St. Andrew's Garth Phase I Development (AF: 35-2011).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2011-166, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO LEONARD AND CYNTHIA GERBER FOR ST. ANDREW'S GARTH PHASE I DEVELOPMENT

Passed: All present voting "aye."

11. Consideration of a Resolution Approving the Acceptance of Credit Cards and Debit Cards for Utility Payments and a Resolution Amending Fee Resolution to Include Credit and Debit Card Convenience Fee (AF: 32-2011).

Assistant to the City Manager Chris McCartt gave a brief summary of this program that would approve the City to accept credit cards. He also mentioned not a day goes by without someone asking to use a credit card, and not just for utility payments. City Recorder Demming pointed out that the convenience fees were for online and phone transactions only. Alderman Marsh asked who pays the fees on a face-to-face transaction, to which Mr. Demming replied the City would. There was some discussion regarding the timeline of phasing in this program as well as possible kiosk locations. Alderman Marsh mentioned he had questioned people today in the line to pay their utility payments, asking if they would be interested in paying with a credit card, even if a fee was attached. He stated he did not receive a clear answer to help him make a decision. He further stated the City should look at the utility cut-offs next year to see if this program actually had a positive impact. Alderman Munsey pointed out that although he was in favor of taking credit card payments, he did not believe the City should be charging a fee, but rather consider it a part of doing business. Alderman Parham stated this is an opportunity to step into the 21st century, noting credit cards are accepted in the Sullivan County offices located in City Hall. He also stated that whether a citizen chooses to pay with a credit card with an extra fee is purely an option.

Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2011-167, A RESOLUTION APPROVING THE ACCEPTANCE OF CREDIT AND DEBIT CARDS FOR CERTAIN UTILITY PAYMENTS TO THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY MERCHANT SERVICES AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENTS

Passed: All present voting "aye" except Munsey voting "nay."

Motion/Second: Joh/Parham, to pass:

Resolution No. 2011-168, A RESOLUTION TO AMEND RESOLUTION NO. 2010-246 AND RATES, FEES AND CHARGES THEREIN ESTABLISHING FEES FOR USE OF CREDIT AND DEBIT CARDS FOR PAYMENT OF CONVENIENCE CHARGES FOR UTILITY SERVICE

Passed: All present voting "aye" except Munsey voting "nay."

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12. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the Industrial Development Board of the City of Kingsport (KEDB) to Facilitate the Development of the Kingsport City Schools Central Office and Other Office Space (AF: 37-2011). Alderman Marsh objected to this expense, stating the City was spending several million dollars for the schools but it was not going towards education. He further stated he objected to the City competing with private enterprise.

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2011-169, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE (KEDB) TO FACILITATE THE CREATION AND DEVELOPMENT OF THE CENTRAL OFFICE COMPLEX FOR THE KINGSPORT CITY SCHOOLS AND FUTURE OFFICE SPACE

Passed: All present voting "aye" except Marsh voting "nay."

E. APPOINTMENTS/REAPPOINTMENTS.

The following appointments were considered under one motion.

Motion/Second: Munsey/Parham, to approve:

1. Consideration of Appointments to the Sullivan County-Bluff City-Kingsport Animal Control Center Board of Directors for Kingsport (AF: 19-2011).

Approve:

APPOINTMENTS OF MS. SUSAN KREIN AND MS. VALERIE JOH TO SERVE AS BOARD OF DIRECTORS FOR KINGSPORT FOR THE **SULLIVAN COUNTY-BLUFF CITY-KINGSPORT ANIMAL CONTROL CENTER** EFFECTIVE FEBRUARY 1, 2011.

PASSED: ALL PRESENT VOTING "AYE."

2. Consideration of Appointments to the Aquatic Center Advisory Board (AF: 36-2011).

Approve:

APPOINTMENTS OF MR. LARRY FLEENOR, MR. BRAD HOOVER, MS. DETRA CLEVEN, MR. PETER LODAL AND MR. TERRY CUNNINGHAM TO THE **AQUATIC CENTER ADVISORY BOARD**. EACH OF THE APPOINTMENTS WILL BE EFFECTIVE FEBRUARY 1, 2011. INITIAL TERMS ARE TO BE STAGGERED AS FOLLOWS: LARRY FLEENOR, DETRA CLEVEN AND TERRY CUNNINGHAM – 2-YEAR TERMS TO EXPIRE ON JANUARY 31, 2012; PETER LODAL AND BRAD HOOVER – 3-YEAR TERMS TO EXPIRE ON JANUARY 31, 2013.

Passed: All present voting "aye."

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VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Joh/Munsey, to adopt:

1. Consideration of an Ordinance to Accept the "Proposal of the Department of Transportation of the State of Tennessee to the City of Kingsport, Tennessee" for the I-26 Welcome Center [Project No. NH-I-26(39); 82084-2129-44] and Authorize the Mayor to Sign All Applicable Documents (AF: 3-2011).

Adopt:

Ordinance No. 6059, AN ORDINANCE TO ACCEPT THE PROPOSAL OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE TO CONSTRUCT A PROJECT DESIGNATED AS FEDERAL PROJECT NUMBER NH-1-26(39); STATE PROJECT NUMBER 82084-2129-44, DESCRIBED AS I-26 WELCOME CENTER (CORRIDOR B) SULLIVAN COUNTY; TO AUTHORIZE THE MAYOR TO EXECUTE THE PROPOSAL AND ALL APPLICABLE DOCUMENTS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham and Phillips voting "aye."

2. Consideration of an Ordinance to Amend the FY 2011 General Purpose School Fund and General Project Fund Budgets to Provide Funding for the School's Administrative Support Center (AF: 14-2011).

Adopt:

Ordinance No. 6060, AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECT FUND BUDGETS TO FUND THE CENTRAL OFFICE PROJECT FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Parham and Phillips voting "aye" and Marsh voting "nay."

VIII. COMMUNICATIONS.

A. CITY MANAGER. None


B. MAYOR AND BOARD MEMBERS. Alderman Joh stated she was glad for the recent pretty weather and hoped people had gotten a chance to get outside. Alderman Marsh pointed out that the high school students in attendance had stayed for the entire meeting. When asked, they informed him they were from Mr. Good's government class at Dobyns-Bennett High School. Mayor Phillips asked if they had any questions and explained for them the bid process regarding the press box at the soft ball field. He then thanked the students

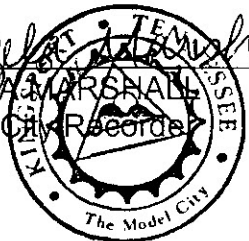
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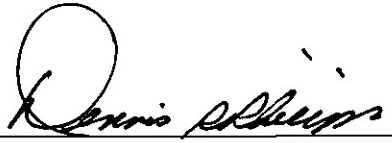
and invited them to come back. Vice-Mayor Mallicote mentioned this was the second year for the police and firefighter's "Battle of the Badge" blood drive for the Marsh Regional Blood Center. He then challenged the Board of Mayor and Alderman as well as Leadership team members to participate, noting it was a noble thing to do.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:30 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor